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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,065	01/21/2004	Mattias Klasson	2.S649.12US.457	4592

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04/04/2005

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,065

Applicant(s)

KLASSON ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/21/2004.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 3/15/2005.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4 and 6-9 are presented for examination.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Rogitz on March 15, 2005.

The application has been amended as follows:

In the claims, please cancel claims 5 and 10.

Priority

3. Priority to Foreign Application No. FR 03 00798, filed on 1/24/2003 is hereby acknowledged.

Information Disclosure Statement

4. The IDS filed on 1/21/2004 has been reviewed and the references listed therein have been fully considered.

It is also noted that the applicant has referred to U.S. Patent No. 4,567,557 in the specification of the instant application, but has not provided this Patent on the enclosed PTO-1449 form. For future information, any references not listed on a PTO-1449, which have not been listed by the Examiner on the enclosed PTO-892, have not been considered at the time of this office action. The Examiner will provide the reference on the enclosed PTO-892 form as a courtesy to the applicant.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

6. Claims 1 & 6, "the opening fitted with ..." which lacks antecedent basis.

Claims 1 and 6, "the building" lacks antecedent basis.

Claims 1-2, 5-7 and 10, "it" should be replaced with "the method".

Claims 1 and 6, line 16, change "the sought" to "a desired".

Claims 1 and 6, line 23, insert "devices" after lighting.

Claim 6, "the_type" should be changed to "the type".

Claims 4 and 9 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. That is, the central unit, described by claims 1 and 6, has already been described possessing the features claimed by way of pending claims 4 and 9 and therefore claims 4 and 9 fail to further limit claims 1 and 6, respectively.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myer et al., U.S. Patent No. 6,574,234, in view of Popat, U.S. Patent No. 5,663,621.

As per claims 1 and 4, Myer et al. teaches a configuration method for a home automation system, wherein the devices are controlled by a central unit having a memory and a computing means (i.e. the central unit is interpreted to be the equivalent of a microprocessor based controller unit, which controls the devices; Figure 1, element 101), the method including the following steps:

(1) entering and storing, for each device, data defining (b) the type of device (Examiner's Interpretation: during an initialization phase, the types of devices connected to the automation network are determined by utilizing device ID information; C6 L55 – C7 L16); and

(2) calculating control coefficients based on the data in memory and based on general information characterizing the different types of devices contained in memory; (Examiner's Interpretation: allowing the newly connected devices to be configured by providing appropriate device controllers with appropriate control parameters using information in memory, wherein the general information and the data in the memory are viewed to be one in the same, that is, it's the device ID data, which is *general* information about the devices and is also the data being stored in memory utilizing step (1) above; C7 L45-62, C8 L42-47 and Abstract).

Although Myer et al. teaches a plurality of devices being controlled, Myer et al. does not specifically teach a microprocessor based controller used for controlling blinds (Examiner's Interpretation: the Venetian blinds are considered to be the functional equivalent of the claimed solar protection devices).

Popat teaches a controller that includes a memory (e.g. Figure 1 element 16), user interface (e.g. inherent to a manual input; C32 L38) and computing means (e.g. Figure 1 element 14), wherein the controller is utilized for autonomously controlling the operations of Venetian blinds covering a window (e.g. Abstract, Figure 1 and C1 L28-46).

It would have been obvious to have incorporated the Venetian blind controller into the building automation system disclosed by reference A so as to allow for more effective climate control over each room thereby allowing for a more effective home automation system.

As per claims 6 and 9, the rejection set forth above, with respect to claim 1, is applied equally herein. Also, Popat has been provided to show a teaching of data defining the exposure of a window of a building and data defining a desired visual comfort (e.g. C12 L55-63) and its inclusion would have been obvious for at least the same reasons set forth above with respect to claim 1.

As per claims 2 and 7, Myer et al. teaches managing conflicts between different devices (e.g. C7 L1-9).

As per claims 3 and 8, Myer et al. discloses the use of single items of data representative of the type of device (e.g. the use of data bytes and data flag bits; See Tables 1-9).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571)

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272 - 3684. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached at (571) 272 - 3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Patent Examiner

Art Unit 2121

xRDH

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Supervisory Patent Examiner
Group 3600